

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3390 OF 2006

Satish Narayan Lohar	Applicant
versus	
The State of Maharashtra	Respondent

Shri A.P.Mundargi i/by Amol Patankar for
applicant

Mrs.M.M.Deshmukh, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. The applicant is arrayed in C.R. No.28 of 2006 registered on 5th March 2006 with Gadhinglaj Police Station for offences punishable under section 302 r/w 34 of I.P.C..

2. Upon statement of the grand son of the deceased, applicant along with others were named as accused and later on arrested on 28th March 2006. Investigation is complete. Charge sheet is filed.

3. Application for bail was rejected twice on

the ground that the applicant has also been named in the incident by the eye witness, the grand son of the deceased.

4. I have perused the statement with the assistance of Shri Mundargi and the learned APP. It is stated by the grand son that the applicant along with others had surrounded the deceased. A knife blow was administered on the neck by the other accused Ravi Ingale. Recovery is also at his instance.

5. Allegation is that this applicant had held the deceased and after the assault they ran away. Admittedly, the blow was administered as per the statement of the eye witness, by Ravi Ingale, while applicant and others had held the deceased.

6. In such circumstances and when stringent conditions are being imposed, applicants' request for enlarging him on bail after the charge sheet is filed, can be considered. Hence, the following order would subserve the ends of justice.

7. ORDER :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.28 of 2006 registered with Gadhinglaj Police Station subject to furnishing a personal bond of Rs.20,000/- (Rs.Twenty thousand only) with one or two local sureties in the like sum;

(ii) The bail is granted subject to condition that the applicant will remain present before the concerned Police Station on every Saturday between 11.00 a.m. and 01.00 p.m. till conclusion of the trial. The applicant shall not reside in the limits of Gadhinglaj Taluka. However, he is allowed to enter the said limits only for the purpose of attending the trial. He shall report as above to the nearest Police Station after the residential address is forwarded to the Investigating Officer of Gadhinglaj Police Station;

(iii) The order of bail will be given effect only after the applicants furnish to the Investigating Officer the details about his place of residence and address where he proposes to stay after enlarged on bail and during pendency of trial. The applicant will not change his residence thereafter till the conclusion of trial, without

prior intimation to the Investigating Officer;

(iv) The bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence;

(v) The applicant shall co-operate with the Trial Court for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail;

(vi) Any observation/s made in this order shall not be constructed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vii) Application is disposed of in above terms.

(S.C.DHARMADHIKARI, J.)